

**Amendments to the Claims:**  
**Listing of the Claims**

Claims 1-11 (canceled)

12. (amended) A DNA construct ~~comprising a transgene comprising an active portion of the FGF1B promoter~~ nucleotides -507 to +1 of the human FGF1B promoter, operably linked to a sequence encoding the SV40 large T antigen, ~~wherein nucleotides -507 to +1 of the human FGF1B promoter are the same as nucleotide 43 to nucleotide 550 of SEQ ID NO. 2.~~
13. (amended) The DNA construct of claim 12 wherein the promoter comprises nucleotides -540 to +31 of the human FGF-1B-promoter, ~~wherein nucleotides -540 to +31 of the human FGF1B promoter are the same as nucleotide 10 to nucleotide 580 of SEQ ID NO. 2.~~
14. (original) The DNA construct of claim 12 wherein the SV40 large T antigen encoding sequence comprises an intron within said sequence.

Claims 15-36 (canceled)

37. (new) A DNA construct comprising the mouse FGF1B promoter operably linked to a sequence encoding the SV40 large T antigen, wherein the sequence of the mouse FGF1B promoter is set forth in GenBank Accession No. U67609.